



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,856	12/30/1999	JESSE S. HEAD	9D-RG-19294	6966

7590

10/18/2004

John S Beulick
Armstrong Teasdale LLP
One Metropolitan Square
Suite2600
St. Louis, MO 63102

EXAMINER

LEUNG, PHILIP H

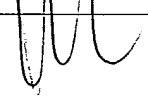
ART UNIT

PAPER NUMBER

3742

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/475,856	Applicant(s) HEAD, JESSE S. 	
	Examiner Philip H Leung	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-225 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10-22-2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3742

DETAILED ACTION

1. Applicant's election with traverse of Group II, claims 8-25 in the reply filed on July 26, 2004 is acknowledged. The traversal is on the ground(s) that that would not be a burden in searching both groups. This is not found persuasive because Groups I and II possessed separate classifications and therefore would have required separate searches. Furthermore, the apparatus of Group II as claimed can be used to practice another and materially different process, for instance using the rotary dial input device to control the temperature of the device. It is also pointed out that the method of Group I does not require the cooking appliance and its control system as it only recites "a method for controlling". Therefore, the method of Group I can be practiced with other devices.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as drawn to a nonelected invention. Election was made **with** traverse in the reply filed on July 26, 2004.

3. As a result of the election, the Group Art Unit of this application has been changed to **Group Art Unit 3742**.

4. The drawings filed 10-28-2002 are acceptable.

Art Unit: 3742

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19, 21 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 5,60,611).

Lee shows a microwave oven including a control system comprising a control panel 7 comprising at least one rotary dial input device 10 including switch 66 and knob 63 for selecting control information for said cooking appliance, said control information comprising at least one of a cooking mode, a food type, a food weight, a temperature, and a degree of doneness, said cooking appliance operatively responsive to said selection of said control information from said rotary dial; and a select switch (switching disc 30, 40 and knob 67) mechanically coupled to said rotary dial input device, said select switch configured to input said control information to said cooking appliance (see Figures 1-3 and col. 2, line 14 – col. 7, line 62).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3742

8. Claims 8-18, 20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 5,60,611), in view of Carmean (US 4,568,810) or McGeorge (US 4,636,621) (both cited by the applicant)

As set forth above, Lee shows every feature and structure as claimed except it does not show the use of its control interface displaying device 140 to provide a prompt to guide a user through selecting said control information, said control interface configured to interact with at least one cooking mode of cooking appliance. Carmean shows that it is well known in the art of microwave ovens to use its display to provide prompts for guiding the user to operate the control of the oven (see Figure 3 and col. 3, line 31 – col. 4, line 51 and col. 8, line 65 – col. 9, line 66. McGeorge also shows an oven control system with a control panel 102 having rotary switching selector 103 which interfaces with the display unit 23B to provide prompts to the user (see Figure 5 and col. 17, lines 23-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lee to use its display to interface with the switches to include prompts to the user as a programming guidance for easier operation of the oven control system, in view of the teaching of Carmean or McGeorge. In regard to claim 18, the use of a lightwave mode and/or a microwave mode for cooking is well known in the art of ovens (see the below paragraph).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Westerberg et al (US 5,517,005) is cited to show a combination oven with microwave and lightwave for cooking having various claimed features (col. 4, lines 52-62).

Art Unit: 3742

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip H Leung whose telephone number is (703) 308-1710.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Philip H Leung". The signature is fluid and cursive, with a large, stylized "P" and "L".

Philip H Leung
Primary Examiner
Art Unit 3742

P.Leung/pl
10-14-2004